

JOHN ADAM KERNS, JR., ESQUIRE*
MEDIATOR / ARBITRATOR / REFEREE / JUDGE PRO TEM / SPECIAL MASTER
187 BRITTNEY LANE
HARTLY, DELAWARE 19953-2278-87
TEL. 302-492-3445
FAX: 302-492-3446
CELLULAR: 302-423-8985
E-MAIL: neutraljohn@att.net / neutraljohn@netzero.net
*LICENSED IN PENNSYLVANIA

December 29, 2006

Faxed

Honorable Gregory M. Sleet
Judge
United States District Court
District of Delaware
844 North King Street
Lock Box 19
Wilmington, DE 19801
302-573-6001/Fax 302-573-6451

Re: **GARDEN RIDGE CORPORATION**
USDC-DC 1:06-cv-00723-UNA

2006 DEC 29 PM 1:31
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
W

Dear Judge Sleet,

December 22, 2006, the Court Appointed me as Mediator in the above matter.

It is my recommendation that this Appeal be removed from Mediation and placed on the normal briefing schedule.

Upon receipt I reviewed the matter and found no conflicts.

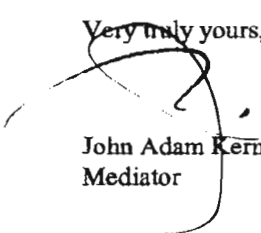
I next spoke to Appellee's Counsel, Sean Greecher. He advised that an earlier, still pending, Appeal 1:06-cv-00555-GMS, was assigned to fellow Mediator Fred Rosner. That Appeal involves essentially the same issues as this one. Apparently, because Mr. Rosner was totally unsuccessful in contacting Mr. Roper, he returned that assignment and requested it be removed from Mediation.

I attempted to call the Appellant Mr. Roper at the number provided. It is for Long Island and not Arizona and it was not his. In addition, I tried to find Mr. Roper through the Internet White Pages and found nothing.

Finally, if the above were not a big enough problem, Mr. Roper is apparently seeking damages in the gross amount of Four Billion Dollars reduced to Ten Million Dollars through his Bankruptcy Request. It concerns an alleged Patent Infringement. With that kind of math involved, I do not see the Parties coming to a meeting of the minds.

Thank you.

Very truly yours,


John Adam Kerns, Jr.
Mediator